

ORDINANCE NUMBER 17-50

AN ORDINANCE OF THE CITY OF WESTFIELD AND WASHINGTON TOWNSHIP, HAMILTON COUNTY, INDIANA CONCERNING AMENDMENT TO THE UNIFIED DEVELOPMENT ORDINANCE AND THE TRAILS PLANNED UNIT DEVELOPMENT DISTRICT ORDINANCE

This is an Ordinance (this "Ordinance") to amend the Unified Development Ordinance of the City of Westfield and Washington Township, Hamilton County, Indiana (the "Unified Development Ordinance"), enacted by the City of Westfield pursuant to its authority under the laws of the State of Indiana, Ind. Code § 36-7-4 et seq., as amended.

WHEREAS, the City of Westfield, Indiana (the "City") and the Township of Washington, both of Hamilton County, Indiana are subject to the Unified Development Ordinance;

WHEREAS, the Common Council of the City of Westfield, Hamilton County, Indiana (the "Common Council") enacted Ordinance No. 15-27 (the "Original PUD Ordinance"), on _____, as amended and replaced by Ordinance No. 16-26 (the "Trails PUD Ordinance"), on November 14, 2016;

WHEREAS, the Westfield-Washington Advisory Plan Commission (the "Commission") considered a petition (**Petition No. 1712-PUD-29**), requesting an amendment to the Trails PUD Ordinance with regard to the subject real estate more particularly described in **Exhibit A** attached hereto (the "Real Estate");

WHEREAS, the Commission forwarded **Petition No. 1712-PUD-29** to the Common Council with a **favorable** recommendation (9-0) in accordance with Indiana Code § 36-7-4-608, as required by Indiana Code § 36-7-4-1505;

WHEREAS, the Secretary of the Commission certified the action of the Commission to the Common Council on December 26, 2017;

WHEREAS, the Common Council is subject to the provisions of the Indiana Code §36-7-4-1507 and Indiana Code § 36-7-4-1512 concerning any action on this request; and

NOW, THEREFORE, BE IT ORDAINED by the Common Council of the City of Westfield, Hamilton County, Indiana, meeting in regular session, that the Trails PUD Ordinance and Unified Development Ordinance are hereby amended as follows:

Section 1. Applicability of Ordinance.

- 1.1 This Ordinance shall amend the Trails PUD Ordinance, as applicable to the Real Estate, and generally described as District Area: Lot B of the District.
- 1.2 All other provisions of the Trails PUD Ordinance shall remain in effect with the adoption of this Ordinance.
- 1.3 Chapter (“Chapter”) and Article (“Article”) cross-references of this Ordinance shall hereafter refer to the section as specified and referenced in the Unified Development Ordinance.
- 1.4 All provisions and representations of the Unified Development Ordinance or the Trails PUD Ordinance that conflict with the provisions of this Ordinance are hereby made inapplicable to the Real Estate and shall be superseded by the terms of this Ordinance.

Section 2. General Regulations. Section 7 General Regulations of the Trails PUD Ordinance shall be amended to add a Section 7.2 as follows:

- 2.1 Lot B: Article 4.16 GB: General Business District shall apply to the development of the Real Estate, except as otherwise modified below:
 - A. Minimum Building Setback Lines; Side Yard: No minimum

Section 3. State Highway 32 Overlay District. Section 8.2 Building Size Requirements of the Trails PUD Ordinance shall be replaced and superseded with the following:

- 3.1 Article 5.3(I)(3)(a) State Highway 32 Overlay District; Building Height Requirements; Minimum Gross Floor Area shall apply, except as otherwise modified below:
 - A. Multiple structures connected by an architecturally-compatible canopy, as conceptually depicted in the attached **Exhibit B**, shall have an aggregate minimum gross floor area of five thousand and six hundred (5,600) square feet. The design and massing of the canopy shall be architecturally consistent with and compatible with the structures it connects. In addition, the canopy shall be substantially similar in quality and character with the Canopy Character Exhibit, attached as Exhibit E to the Trails PUD Ordinance.
 - B. A minimum of six hundred (600) square feet of outdoor seating space shall be required within Lot B.

ALL OF WHICH IS ORDAINED/RESOLVED THIS 8TH DAY OF JANUARY, 2018.

WESTFIELD CITY COUNCIL

Voting For

Voting Against

Abstain

Jim Ake

Jim Ake

Jim Ake

James J. Edwards

James J. Edwards

James J. Edwards

Steven Hoover

Steven Hoover

Steven Hoover

Robert L. Horkay

Robert L. Horkay

Robert L. Horkay

Mark F. Keen

Mark F. Keen

Mark F. Keen

Charles Lehman

Charles Lehman

Charles Lehman

Cindy L. Spoljaric

Cindy L. Spoljaric

Cindy L. Spoljaric

ATTEST:

Cindy Gossard, Clerk Treasurer

I hereby certify that **ORDINANCE 17-50** was delivered to the Mayor of Westfield
on the _____ day of January, 2018, at _____ m.

Cindy Gossard, Clerk-Treasurer

I hereby APPROVE **ORDINANCE 17-50**
this _____ day of January, 2018.

I hereby VETO **ORDINANCE 17-50**
this _____ day of January, 2018.

J. Andrew Cook, Mayor

J. Andrew Cook, Mayor

This document prepared by: Jesse M. Pohlman, Onpointe Land Matters, LLC
Birch Dalton, Edgerock Development, LLC
555 East Main Street, Westfield, Indiana 46074

I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security Number in this document, unless required by law: Jesse M. Pohlman

EXHIBIT A
REAL ESTATE

This description includes four (4) parcels of land:

PARCEL I (Parcel No: 08-09-01-01-001.000):

Deed Instrument No. 2015041831

A part of the Northwest Quarter of Section 1, Township 18 North, Range 3 East, Hamilton County, Indiana, and being part of the grantors' land lying within the right-of-way depicted on the attached Right-of-Way Parcel Plat marked Exhibit "B", described as follows: Commencing at the northwest corner of said section; thence South 0 degrees 43 minutes 08 seconds West 146.50 feet along the west line of said section to the prolonged south line of the grantors' land; thence South 89 degrees 50 minutes 43 seconds East 17.50 feet along said south line prolonged to the east boundary of Oak Ridge Road and the point of beginning of this description: thence North 0 degrees 43 minutes 08 seconds East 121.50 feet along the boundary of said Oak Ridge Road to the south boundary of S.R. 32; thence South 89 degrees 50 minutes 43 seconds East 38.87 feet along the boundary of said S.R. 32 to the point designated 1054 on said Exhibit "B"; thence South 51 degrees 49 minutes 03 seconds West 30.64 feet to the point designated 1053 on said Exhibit "B"; thence South 0 degrees 43 minutes 08 seconds West 102.49 feet to the south line of the grantors' land; thence North 89 degrees 50 minutes 43 seconds West 15.02 feet along said south line to the point of beginning and containing 0.047 acres, more or less, being subject to all legal rights-of-way and easements of record.

PARCEL II (Parcel No: 08-09-01-00-001.000):

Trustee's Deed Instrument No. 2015062718

A part of the Northwest Quarter of Section 1, Township 18 North, Range 3 East, described as follows: Begin at a point 146.5 feet South of the Northwest corner of Section 1, Township 18 North, Range 3 East, thence East parallel with the North line of said Northwest quarter 226.7 feet to an iron stake, thence South parallel with the West line of said Northwest quarter 407.3 feet to an iron stake, thence West 226.7 feet to intersection with West line of said Northwest Quarter, said point being 410.2 feet South of the place of beginning, thence North on and along said line 410.2 feet to the place of beginning. (Containing 2.13 acres more or less)

Except:

A part of the above described real estate conveyed to The State of Indiana by Warranty Deed recorded July 17, 2007 as Instrument No. 2007-40158 and described as follows: A part of the Northwest Quarter of Section 1, Township 18 North, Range 3 East, Hamilton County, Indiana, and being that part of the grantor's land lying within the right-of-way depicted on the Right-of-Way Parcel Plat marked Exhibit "B" in Warranty Deed recorded as Instrument No. 2007-40158 and described as follows: Commencing at the Northwest corner of said section; thence South 0 degrees 43 minutes 08 seconds West 146.50 feet along the West line of said section to the prolonged North line of the grantors' land; thence South 89 degrees 50 minutes 43 minutes 08 seconds West 146.50 feet along the West line of said section to the prolonged North line of the grantors' land; thence South 89 degrees 50 minutes 42 seconds East 17.50 feet along said North line prolonged to the East boundary of Oak Ridge Road and the point of beginning of this description: thence South 89 degrees 50 minutes 43 seconds East 15.02 feet along the North line of the grantor's land; thence South 0 degrees 43 minutes 08 seconds West 269.11 feet to the point designated 1052 on said Exhibit "B"; thence North 89 degrees 16 minutes 52 seconds West 15.02 feet to the point designated 1051 on said Exhibit "B" on the East

boundary of said Oak Ridge Road; thence North 0 degrees 43 minutes 08 seconds East 268.96 feet along the boundary of said Oak Ridge Road to the point of beginning. (Containing 0.093 acres more or less).

Also Except:

A part of the above described real estate convey to Bradley D. Hutson and Lori S. Hutson, husband and wife by Warranty Deed recorded June 8, 2012 as Instrument No. 2012-31287 and described as follows: A part of the Northwest Quarter of Section 1, Township 18 North, Range 3 East in Washington Township Hamilton County, Indiana, described as follows: Commencing at the Northwest corner of the Northwest Quarter of Section 1, Township 18 North, Range 3 East; thence on the West line of said Northwest Quarter South 00 degrees 34 minutes 25 seconds East 415.29 feet to the South line of a tract of real estate described in Instrument No. 2007-40158; thence on said South line North 89 degrees 25 minutes 35 seconds East 32.52 feet; thence North 87 degrees 11 minutes 34 seconds East 194.47 feet to the Northwest corner of a tract of real estate described in Instrument No. 91-5488; thence on the West line of said tract of real estate South 00 degrees 30 minutes 27 seconds East 140.89 feet to the Northeast corner of the tract of real estate described in Instrument No. 2002-83534; thence on the North line of said tract of real estate South 87 degrees 53 minutes 05 seconds West 226.76 feet to the West line of said Northwest Quarter; thence on said West line North 00 degrees 34 minutes 25 seconds West 139.41 feet to the point of beginning. (Containing 0.73 acres more or less).

PARCEL III (Parcel No: 08-09-01-01-01-002.000):

Personal Representative's Deed Instrument No. 2013046093

Begin 13.74 rods East of the Northwest corner of Section One (1), Township Eighteen (18) North, Range Three (3) East and run thence South 410 feet, thence East parallel with the North line of said Section 83.00 feet, thence North 410 feet to Section Line, thence West 83.00 feet to the place of beginning.

PARCEL IV (Parcel No: 08-09-01-01-01-003.000):

Special Warranty Deed Instrument No. 2017001604

PART OF THE NORTHWEST QUARTER OF SECTION ONE (1), TOWNSHIP EIGHTEEN (18) NORTH, RANGE THREE (3) EAST, IN HAMILTON COUNTY, INDIANA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT A POINT 309.71 FEET EAST OF THE NORTHWEST CORNER OF SECTION 1, TOWNSHIP EIGHTEEN (18) NORTH, RANGE THREE (3) EAST, RUN THENCE SOUTH PARALLEL TO THE WEST LINE OF SAID SECTION 410.0 FEET TO A POINT, THENCE EAST PARALLEL TO THE NORTH LINE OF THIS SECTION 179.14 FEET TO POINT, THENCE NORTH 410.0 FEET TO THE INTERSECTION WITH THE NORTH LINE OF THIS SECTION, THENCE WEST ALONG THIS NORTH LINE 179.14 FEET TO THE PLACE OF BEGINNING.

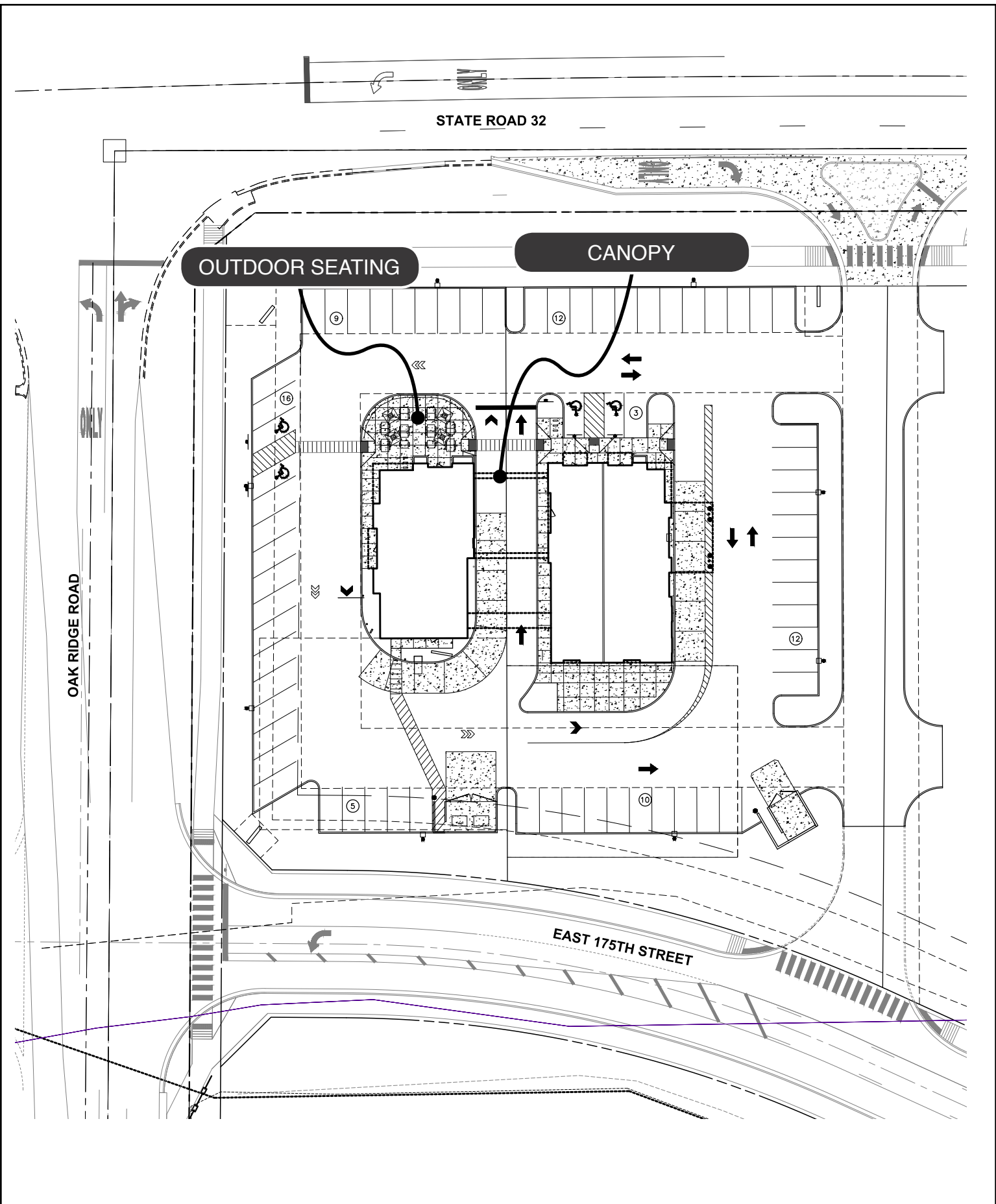


EXHIBIT B: CONCEPT PLAN (LOT 1 + LOT 2)
TRAILS AMENDMENT: LOT B
PLANNED UNIT DEVELOPMENT DISTRICT

